REMARKS/ARGUMENTS

The present amendment is submitted in accordance with the Revised Amendment Format.

The Examiner has rejected claims 1-35 of this Application under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,665,639.

The Examiner has provisionally rejected claims 1-35 of this Application under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-104 of U.S. Patent Application No. 10/687,214 (now U.S. Patent No. 6,999,927).

The Examiner has rejected claims 11-35 of this Application under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,513,298 to Stanford.

The Examiner has rejected claims 20 and 35 of this Application under 35 U.S.C. § 103(a) as being unpatentable over Stanford in view of U.S. Patent No. 5,583,964 to Wang.

Applicants have filed herewith a Terminal Disclaimer to render moot the obviousness-type double patenting rejection based on U.S. Patent No. 6,665,639. With regard to the provisional obviousness-type double patenting rejection based on U.S. Patent Application No. 10/687,214, a separate Terminal Disclaimer was filed in that case. Thus, the Examiner's obviousness-type double patenting rejections are deemed moot.

Claims 3 and 5 have been amended to correct typographical errors.

Claims 11-17, 20-21, and 26 have been amended to more clearly define what Applicant regards as one embodiment of an invention.

Claims 24-25 have been cancelled.

New claims 36-38 have been added.

All amendments are fully supported by the specification and no new matter has been added.

Rejection under 35 U.S.C. § 102(e) based on Stanford

The first issue in this case is whether or not Stanford anticipates claims 11-35 under Section 102(e).

A. Applicable Law:

"A claim is anticipated under 35 U.S.C. § 102 only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of* California, 814 F.2d 628, 631 (Fed. Cir. 1987), MPEP 2131.01. The Federal Circuit has repeatedly emphasized that anticipation is established only if (1) all the elements of an invention, as stated in the patent claim, (2) are identically set forth, (3) in a single prior art reference. *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997) ("To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either expressly or inherently."); *In re Paulsen*, 30 F.3d 1475,1478-79 (Fed. Cir. 1994) ("A rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference."); *Gechter v. Davidson*, 116 F.3d 1454, 1457 (Fed. Cir. 1997) ("Under 35 U.S.C. 102(b), every limitation of a claim must identically appear in a single prior art reference for it to anticipate the claim").

Importantly, the presence of each claim limitation in the disclosure of a reference must be clear. For example, as stated in *Datascope Corp. v. SMEC, Inc.*, "Anticipation cannot be predicated on teachings in a reference that are vague or based on conjecture." *Datascope Corp. v. SMEC, Inc.*, 776 F.2d 320 (Fed. Cir. 1985). This concept has been reiterated by the Board of Patent Appeals. For example, in *Ex parte Standish*, the Board stated, "anticipation of a claimed product cannot be predicated on mere conjecture as to the characteristics of a prior art product." *Ex parte Standish*, 10 USPQ2d 1454, 1457 (Bd. Pat. App. & Int'f 1989).

B. Application of the Law and Reference to the Claims At-Issue:

The Examiner's rejection of independent claims 11 and 26 of this Application under 35 U.S.C. § 102(e) as being anticipated by Stanford is not supported by the Stanford's disclosure. Applicants have amended claims 11 and 26 to more clearly define embodiments of Applicant's invention. Claims 11 and 26, and all claims that depend from claims 11 and 26, are allowable because Stanford does not disclose each and every element recited in these claims.

1. <u>Stanford teaches all recognition and recognition information is on the server</u>

Stanford discloses a system for "<u>context switching</u>" in speech recognition systems. In contrast to the claims discussed below, Stanford's context switching "enables a speech recognition application to be changed <u>without loading new pattern matching data</u> into the system." (Stanford, Abstract). As illustrated by Fig. 3, Stanford teaches that a <u>single</u> system, such as a server, is programmed with recognition information (e.g., HMM's) to perform speech recognition. For example, Stanford states as follows:

> "a single computer system will be providing speech recognition services (like a server) to multiple clients."

(Stanford, Col. 7, lines 51-53).

Moreover, recognition in Stanford is disclosed as using Hidden Markov Models ("HMM's") that are <u>all stored on the server</u>. For example, Stanford states:

> "The Beam Search (block 106) uses word models made of concatenated HMM phoneme models... These are used to make an optimal estimate of the word sequences which best explains the observed sequence of VQ values."

(Stanford, Col. 6, lines 40-45).

With regard to the HMM's, Stanford states:

> "In the invention disclosed herein, the above problem is solved by *loading all possible HMM's into memory 200 in one block (one time)... The HMM's are put into memory only once* (220) in a single file, and each context or task (240) shares from the common pool."

(Stanford, Col. 8, lines 5-20)(Emphasis Added).

From the citations above, it is clear that Stanford discloses all recognition and recognition information is on the server.

2. <u>Stanford teaches clients sending "context control" that selects particular "context" that is pre-stored on the server</u>

Stanford further discloses a mechanism for "switching context" that is pre-stored on the server. Client user applications (e.g., Recognition Clients 110 in Stanford's Fig. 2) issue "context control" in the form of "requests." For example, Stanford states as follows:

> "The application will *request* a certain type of operation or *ask* the recognition server to load a certain recognition context and to activate the context for recognition…"

(Stanford, Col. 5, lines 7-10)(Emphasis Added).

It is important to note that "request" and "ask" are both "controls." The applications send the server "controls" that determine which recognition information to use, rather than sending recognition information from the client application to the server. This distinction is reinforced by the fact that Stanford discloses that the "context" is already on the server (e.g., loaded in response to requests, or "context controls," from the client). Stanford's disclosure that the "context" and other recognition data are all on the server is further clarified by Fig. 3 and the following:

> "At task building time, offsets (or mapping vectors 230) are calculated and stored along with the task recognition load module for each required HMM that identifies the relative location of the HMM in the file that contains the total group of all HMMs 220 that have been trained and are available for use by individual tasks (approximately a 10 MByte file using the sample numbers given) rather than actually storing the HMM's themselves. *During actual system operation, applications arrange for the pre-storing of all tasks (240) and maps (230) they might require*. Then when a particular application requires and gets the focus of the recognition engine for recognition with a particular task, the requested task search network is engaged by a simple assignment of one of several base pointers. The offsets 230 provided within the network in turn provide access to the actual HMM's."

(Stanford, Col. 8, lines 21-55)(Emphasis Added).

Thus, Stanford discloses that "context control," rather than "context," is sent from client user applications to the server.

3. Stanford does not anticipate amended claim 11 at least because

Stanford does not disclose "providing, from a remote system to a first

> system, first and second sets of data each comprising recognition data
> to recognize first and second sets of candidate utterances on the
> server"

Amended claim 11 includes the following limitation:

> "providing, from a remote system to a first system, first and
> second sets of data each comprising recognition data to recognize
> first and second sets of candidate utterances corresponding to the
> first and second sets of data."

(Amended Claim 11).

Applicants contend that Stanford does not disclose, *inter alia*, the above-cited limitation of claim 11. As mentioned above, Stanford discloses sending "context control" from a client to a server to change "context." However, the "context control" disclosed in Stanford does not anticipate claim 11 because "context control" is not "recognition data." Rather, "context control" *controls* a server to use different recognition data *already stored on the server*. Stanford does not disclose that recognition data is provided from a remote system to a first system as set forth in claim 11. Because the "context control" disclosed in Stanford is not recognition data, and because Stanford does not disclose "providing, from a remote system to a first system, first and second sets of data each comprising recognition data to recognize first and second sets of candidate utterances on the server," Stanford does not include all the limitations of claim 11. Because Stanford does not disclose all the limitations of claim 11, Stanford does not anticipate claim 11 under Section 35 U.S.C. § 102(e).

In support of the current rejection of claims 11 or 26 under 35 U.S.C. § 102(e) based on Stanford, the Examiner has cited Fig. 1, elements 108 and 110 and column 6, lines 48-63. Applicant does not understand these citations to teach or suggest the elements of claims 11 or 26. In particular, the citations relied on by the Examiner state that the user applications (e.g., DirectTalk/2™) "indicate" contexts to the recognition server and "issues a request." However, the indications and requests described in this section are "context control" and not "context." Accordingly, the portions of Stanford relied on by the Examiner are not on point.

Claims 12-23 are dependent claims that include all the limitations of claim 11 and include additional limitations. Therefore, these claims are allowable for at least the same or similar reasons.

4. Stanford does not anticipate amended claim 26 at least because Stanford does not disclose a "server supplies different sets of recognition information to the first computer to recognize different spoken utterances from corresponding limited sets of candidate utterances at different times"

Claim 26 is allowable for similar reasons as claim 11. For example, claim 26 recites:

> "a server including recognition information to recognize a plurality of spoken utterances; and
> a first computer including a recognition engine, wherein the first computer is coupled to the server by said network,
> wherein *the server supplies different sets of recognition information to the first computer to recognize different spoken utterances from corresponding limited sets of candidate utterances at different times*.

(Amended Claim 26)(Emphasis Added).

From the above discussion it should be clear that Stanford does not disclose a server that supplies different sets of recognition information to a first computer to recognize different spoken utterances from corresponding limited sets of candidate utterances at different times. As mentioned above, Stanford teaches a user application that sends "context control" to a server, which is substantially different from the above claim element. Because Stanford does not include all the elements of claim 26, Stanford cannot anticipate claim 26 under 35 U.S.C. § 102(e).

Claims 27-35 and 38 are dependent claims that include all the limitations of claim 26 and include additional limitations. Therefore, these claims are allowable for at least the same or similar reasons.

5.   <u>A combination of Stanford and Wang does not render claims 20 or 35</u>
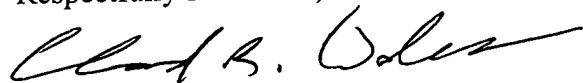
<u>obvious 35 U.S.C. § 102(e)</u>

First, no motivation to combine these references has been cited by the Examiner. Moreover, even if there was a motivation to combine these references, a combination of Stanford and Wang would still not teach or suggest all the limitations of claims 11 and 26, which are the base claims to claims 20 and 35, respectively. For instance, as mentioned above, Stanford does not disclose either "providing, from a remote system to a first system, first and second sets of data each comprising recognition data to recognize first and second sets of candidate utterances on the server," or a "server supplies different sets of recognition information to the first computer to recognize different spoken utterances from corresponding limited sets of candidate utterances at different times." Accordingly, Stanford cannot render claims 11, 20, 26, or 35 obvious.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 408-244-6319.

Respectfully submitted,

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